

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AMY DONNELLY, RHONDA GIBSON,)
 TYLER BAKER, ELLA WILLIAMS,)
 MERISHA HARVEY, SERGE BELOZEROV,)
 COURTNEY CLARK, KRISTIN FASANO,)
 CAITLIN MCDANIEL, ASHLEY O'NEIL,) Case No. 1:24-cv-01404
 ALEXANDER HARRIS and CRYSTAL)
 ARTER, individually and on behalf of all) Hon. Virginia M. Kendall
 others similarly situated,)
)
 Plaintiffs,)
)
 v.)
)
 ASPEN DENTAL MANAGEMENT, INC.,)
)
 Defendants.)

JOINT MOTION TO STAY PENDING MEDIATION

Plaintiffs Amy Donnelly, Rhonda Gibson, Tyler Baker, Ella Williams, Merisha Harvey, Serge Belozarov, Courtney Clark, Kristin Fasano, Caitlin McDaniel, Ashely O’Neil, Alexander Harris, and Crystal Arter (“Plaintiffs”) and Defendant Aspen Dental Management, Inc. (“Aspen Dental”) (collectively the “Parties”) through their counsel, jointly request that the Court enter an order staying this case in its entirety for 75 days, including staying Aspen Dental’s deadline to respond to the Second Amended Complaint and staying discovery and other deadlines and proceedings, to allow the Parties to complete a private mediation. In support of this motion, the Parties state as follows:

1. On September 9, 2024, the Court granted in part and denied in part Aspen Dental's Motion to Dismiss the First Amended Complaint. (*See* Dkt. No. 47.)

2. On October 21, 2024, Plaintiffs filed their Second Amended Complaint (Dkt. No. 61), and Aspen Dental's deadline to answer the Second Amended Complaint is November 15, 2024. (Dkt. No. 59.)

3. The Parties have agreed to participate in mediation and have scheduled a mediation date with a private mediator.

4. This Court has inherent power to stay this case in the interest of judicial economy. *In re RC2 Corp. Toy Lead Paint Prod. Liab. Litig.*, No. 07 C 7184, 2008 WL 548772, at *5 (N.D. Ill. Feb. 20, 2008), *as amended* (Feb. 28, 2008); *Landis v. North American Co.*, 299 U.S. 248, 254 (1936) (power to stay pending action "is incidental to the power inherent in every court to control the disposition of the cases on its docket with economy of time and effort for itself, counsel, and for litigants.").

5. To conserve resources, the Parties respectfully request that the Court stay these proceedings for 75 days, including Aspen Dental's deadline to respond to the Second Amended Complaint and staying discovery and other deadlines and proceedings, while the Parties dedicate efforts to mediating this case.

6. To the extent the stay pending mediation is permitted, the Parties shall submit a joint status report within 75 days of entry of the order granting a stay. To the extent that the mediation does not fully resolve the case, the Parties shall submit a notice with the Court requesting a scheduling conference to set new deadlines.

7. The Parties submit that good cause is shown for this request, this request is not sought for the purpose of delay, and no party will be prejudiced by the relief sought in this motion.

WHEREFORE, for the foregoing reasons, the Parties respectfully request that the Court enter an Order staying these proceedings, including all case deadlines, pending the Parties' mediation.

Dated: November 11, 2024

/s/ Brandon M. Wise (w/ consent)

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all Counsel of Record.

/s/ Bonnie DelGobbo

Bonnie Keane DelGobbo